

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BILL MARTIN, et al.,)	
)	
Plaintiffs,)	CIVIL ACTION FILE
)	No. 1:05-CV-835-CC
v.)	
)	
BIO-LAB, INC., et al.,)	
)	
Defendants.)	

**JOINT MOTION FOR APPROVAL TO VOLUNTARILY DISMISS CASE
WITH PREJUDICE PURSUANT TO FED.R.CIV.P. 41(a) AND 23(e)**

COME NOW Plaintiff and the Defendants (collectively, “Movants”), pursuant to Fed.R.Civ.P. 41(a) and 23(e), and show this Court that on January 28, 2011, the United States Bankruptcy Court for the Southern District of New York (“Bankruptcy Court”) entered its *Final Order (A) Approving Class Action Settlement, (B) Certifying the Settlement Class, (C) Awarding Fees and Expenses to Class Counsel and (D) Awarding Settlement Class Representative an Incentive Award* in In re Chemtura Corporation et al., Case No. 09-11233 (REG) (the “Final Order,” attached as Exhibit “A”).

As shown in the Final Order, the Bankruptcy Court has exercised exclusive jurisdiction over the putative class claims asserted in this action. See Final Order at

1-2. The settlement class approved by the Bankruptcy Court includes claims which were or could have been pleaded in this putative class action. See, e.g., id. at pp. 5-6, ¶ 6. The Bankruptcy Court also has retained exclusive jurisdiction of the settlement in order to resolve any disputes which may arise in the implementation of the Settlement Agreement or the implementation of its Final Order. Id. at p. 11, ¶ 22. Further, the Final Order contemplates and directs that this action be dismissed. Id. at p. 9, ¶ 13 (referring to the Settlement Agreement, a copy of which is attached as Exhibit “B”).

For these reasons, the Movants respectfully request that this Court enter the attached, proposed Dismissal Order approving of and effectuating the voluntary dismissal of this putative class action with prejudice.

Respectfully submitted, this 9th day of February, 2011.

Attorney for Defendants:

By: /s/ William F. Kiniry, Jr.
William F. Kiniry, Jr., Esquire
(U.S. Supreme Court ID No. 24623)
DLA Piper US LLP
One Liberty Place
1650 Market Street - Suite 4900
Philadelphia, Pennsylvania 19103
william.kiniry@dlapiper.com

Attorney for Plaintiffs

By: /s/ W. Lewis Garrison, Jr.
W. Lewis Garrison, Jr., Esquire
Georgia Bar Number: 286815
Heninger Garrison Davis, LLC
2224 1st Avenue North
Birmingham, Alabama 35203
205.326.3336 Telephone
205.326.3332 Facsimile
lewis@hgdllawfirm.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BILL MARTIN, et al.,)	
)	
Plaintiffs,)	CIVIL ACTION FILE
)	No. 1:05 CV 835 CC
v.)	
)	
BIO-LAB, INC., et al.,)	
)	
Defendants.)	

ORDER

THIS COURT has reviewed the Joint Motion Pursuant to Fed.R.Civ.P. 23(e) for Approval to Voluntarily Dismiss Case with Prejudice. The Court FINDS that the claims asserted in this action have been subsumed in and approved as part of the settlement class in In re Chemtura Corporation et al., S.D.N.Y. Bankr. Case No. 09-11233 (REG).

Accordingly, the Court hereby GRANTS the requested APPROVAL under Fed.R.Civ.P. 23(e), and ORDERS that this putative class action is hereby DISMISSED WITH PREJUDICE.

IT IS SO ORDERED this _____ day of _____, 2011.

United States District Judge

Local Rule 7.1 Compliance Certificate

Pursuant to L.R. 7.1D, this certifies that this document complies with the font and point selections approved by the Court in L.R. 5.1C. The foregoing document was prepared using the Times New Roman (14 point).

s/ W. Lewis Garrison, Jr.
Of Counsel

Certificate of Service

I hereby certify that on this 9th day of February, 2011, I electronically filed the foregoing with the Clerk of Court using the EM/ECF system, which will automatically send email notification of such filing.

s/ W. Lewis Garrison, Jr.
Of Counsel